

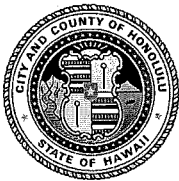
**INFORMATIONAL PACKET FOR**  
**EXEMPTED AGRICULTURAL STRUCTURES**

1. ***Declaration of Compliance with HRS §46-88  
(Relating to Exempted Agricultural Structures)***
2. ***General Exemption Requirements***
3. ***Exemption List for Agricultural Buildings and Structures***
4. ***Form for Certification of Meeting Item No. 12***
5. ***Copy of Hawaii Revised Statutes §46-88***

***Submit original Declaration Documents #1 and #4 (if applicable) and  
any required attachments to:***

***Department of Planning and Permitting  
Customer Service Office – Permit Issuance Branch  
City and County of Honolulu  
650 South King Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813***

***Should you have any questions, please contact the Permit Issuance  
Branch at 768-8220.***



Department of Planning and Permitting (DPP)  
Customer Service Office – Permit Issuance Branch  
650 South King Street, 1st Floor  
Honolulu, Hawaii 96813  
(808) 768-8220

**FOR DPP USE ONLY**

- ☐ Declaration Unacceptable (Return to Applicant)  
☐ Declaration Accepted:

DECLARATION NO. \_\_\_\_\_  
DATE: \_\_\_\_\_

**DECLARATION OF COMPLIANCE WITH HAWAII REVISED STATUTES (HRS) §46-88  
RELATING TO EXEMPTED AGRICULTURAL STRUCTURES**

Project Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Tax Map Key: \_\_\_\_\_  
Property Area (acres): \_\_\_\_\_  
Description of Structure: \_\_\_\_\_  
Location of Structure (Latitude/Longitude): Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_  
Dimensions of Structure (Length x Width): \_\_\_\_\_  
Floor Area of Structure (sq. ft.): \_\_\_\_\_  
Aggregate Floor Area of Exempted Structures (sq. ft.): \_\_\_\_\_  
Distance from Nearest Structure (ft.): \_\_\_\_\_  
Structure Composition: \_\_\_\_\_  
Exemption No. (See attached Exemption List): \_\_\_\_\_  
If Exemption No. 7 or 12, provide structural span (ft.): \_\_\_\_\_  
Structure is: ☐ Proposed ☐ Existing  
Electrical improvements to be installed? ☐ Yes ☐ No (If yes, a building permit is required)  
Plumbing improvements to be installed? ☐ Yes ☐ No (If yes, a building permit is required)

**NOTE: Provide a plot plan showing approximate location of structure, property lines, other structures, setbacks to other structures, dimensions of structure, and any other pertinent information. The plot plan should be on 8-1/2" x 11" paper or larger. Attach extra sheets as necessary. Submit HARD COPIES ONLY, no emails or fax submittals will be accepted.**

This form and plot plan should be submitted to: Department of Planning and Permitting (DPP)  
Customer Service Office, Permit Issuance Branch  
650 South King Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

**OWNERS CERTIFICATION/DECLARATION**

- I declare this project to be exempt from applicable building permit/code requirements under the provisions of HRS §46-88 (as amended). I have read and fully understand HRS §46-88, and certify that the project is in compliance.
- I understand that this exemption only applies to certain building permit/code requirements. I shall obtain all other required permits and approvals and shall comply with all applicable codes and laws associated with this development, which may include but not be limited to, Special Management Area, Flood Hazard, electrical, plumbing, grading, driveway, work in County/State right-of-ways, fire, wastewater, and State Department of Health requirements.
- I understand that the issuance of a declaration number by County should not be taken to mean that compliance with HRS §46-88 has been confirmed, and that is my sole responsibility to confirm compliance. The State or County shall not be liable for any claims arising from construction of buildings, structures, or appurtenances thereto exempt from the building code and permitting process as described in HRS §46-88.

Property Owner: \_\_\_\_\_

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email: \_\_\_\_\_

## GENERAL EXEMPTION REQUIREMENTS

Excerpts from HRS §46-88 (as amended) are provided below. It is the property owner's responsibility to review and understand the actual language provided in HRS §46-88. A copy of HRS §46-88 is attached for reference.

1. The aggregate floor area of the exempted agricultural buildings shall not exceed:
  - a. Five thousand square feet per zoning lot for lots of two acres or less;
  - b. Eight thousand square feet per zoning lot for lots greater than two acres but not more than five acres;
  - c. Eight thousand square feet plus two percent of the acreage per zoning lot for lots greater than five acres; provided that each exempted agricultural building is compliant with applicable square foot area restrictions;
2. The minimum horizontal separation between each agricultural building, structure, or appurtenance thereto is fifteen feet;
3. The agricultural buildings, structures, or appurtenances thereto are located on a commercial farm or ranch and are used for general agricultural or aquacultural operations, or for purposes incidental to such operations;
4. The agricultural buildings, structures, or appurtenances thereto are constructed or installed on property that is used primarily for agricultural or aquacultural operations, and is two or more contiguous acres in area or one or more contiguous acres in area if located in a nonresidential agricultural or aquacultural park;
5. Upon completion of construction or installation, the owner or occupier shall provide written notice to the appropriate county fire department and county building permitting agency of the size, type, and locations of the building, structure, or appurtenance thereto. Such written notification shall be provided to the county agencies within thirty days of the completion of the building structure, or appurtenance thereto. Failure to provide such written notice may void the building permit or building code exemption, or both, which voidance for such failure is subject to the sole discretion of the appropriate county building permitting agency;
6. No electrical power and no plumbing systems shall be connected to the building or structure without first obtaining a building permit, and all such installations shall be installed under the supervision of a licensed electrician or plumber, as appropriate, and inspected and approved by an appropriate inspector. If a building permit is unattainable because the building or structure is permit exempt, a building permit shall be issued for an electrical connection to a meter on a pole beyond the permit-exempt structure in accordance with the installation, inspection, and approval requirements in this paragraph;
7. Disposal of wastewater from any building or structure constructed or installed pursuant to HRS §46-88 shall comply with HRS Chapter 342D;
8. Permit-exempt structures shall be exempt from any Certificate of Occupancy requirements;
9. Exemptions in HRS §46-88 shall not apply to buildings or structures otherwise exempted from building permitting or building code requirements by applicable City and County of Honolulu ordinances;
10. HRS §46-88 shall not be construed to supersede public or private lease conditions;
11. HRS §46-88 shall not apply to the construction or installation of any building or structure on land in an urban district;
12. The State or County shall not be liable for claims arising from the construction of agricultural buildings, structures, or appurtenances thereto exempt from the building code and permitting process as described in HRS §46-88, unless the claim arises out of gross negligence or intentional misconduct by the State or County;
13. HRS §46-88 shall not apply to buildings or structures used to store pesticides or other hazardous material unless stored in accordance with Federal and State laws;
14. Failure to comply with the conditions of HRS §46-88 shall result in penalties consistent with the City and County of Honolulu building provisions.

## EXEMPTION LIST FOR AGRICULTURAL BUILDINGS AND STRUCTURES

### STRUCTURES 1,000 SQUARE FEET AND UNDER

The following agricultural buildings, structures, and appurtenances thereto that are not used as dwellings or lodging units are exempt from building permit and building code requirements, provided that they comply with the general exemption requirements, and all applicable State and City and County of Honolulu zoning codes:

1. Nonresidential manufactured pre-engineered commercial buildings and structures. **An exemption under this item number cannot be claimed unless the property owner provides written verification that the manufactured pre-engineered commercial building or structure has been pre-approved by the City and County of Honolulu.**
2. Single stand alone recycled ocean shipping or cargo containers that are used as nonresidential commercial buildings and are properly anchored.
3. Notwithstanding the 1,000 square foot floor area restriction, agricultural shade cloth structures, cold frames, or greenhouses not exceeding 20,000 square feet in area per structure; provided that where multiple structures are erected, the minimum horizontal separation between each shade cloth structure, cold frame, or greenhouse is fifteen feet.
4. Aquacultural or aquaponic structures, including above-ground water storage or production tanks, troughs, and raceways with a maximum height of six feet above grade, and in-ground ponds and raceways, and piping systems for aeration, carbon dioxide, or fertilizer or crop protection chemical supplies within agricultural production facilities.
5. Livestock watering tanks, water piping and plumbing not connected to a source of potable water or separated by an air gap from such a source.
6. Non-masonry fences not exceeding ten feet in height and masonry fences not exceeding six feet in height.
7. One-story masonry or wood-framed buildings or structures with a structural span or less than twenty-five feet and a total square footage of no more than 1,000 square feet, including farm buildings used as:
  - a. Barns;
  - b. Greenhouses;
  - c. Farm production buildings including aquaculture hatcheries and plant nurseries;
  - d. Storage buildings for farm equipment or plant or animal supplies or feed;
  - e. Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height and the storage of any hazardous materials shall comply with any and all applicable statutes, regulations, and codes.
8. Raised beds containing soil, gravel, cinders, or other growing media or substrates with wood, metal, or masonry walls or supports with a maximum height of four feet.
9. Horticultural tables or benches no more than four feet in height supporting potted plants or other crops.
10. Nonresidential indigenous Hawaiian hale that do not exceed 500 square feet in size and have no kitchen or bathrooms, and are used for traditional agricultural activities or education.

### STRUCTURES OVER 1,000 SQUARE FEET UP TO 8,000 SQUARE FEET

The following buildings, structures, and appurtenances thereto shall be exempt from building permit requirements when compliant with relevant building codes or county, national, or international prescriptive construction standards.

11. Nonresidential manufactured pre-engineered and county pre-approved commercial buildings and structures consisting of a total square footage greater than 1,000 square feet but no more than 8,000 square feet. **An exemption under this item cannot be claimed unless the property owner provides a written verification that the manufactured pre-engineered commercial building or structure has been pre-approved by the City and County of Honolulu.**
12. One-story wood framed or masonry buildings or structures with a structural span of less than twenty-five feet and a total square footage greater than 1,000 square feet but no more than 8,000 square feet constructed in accordance with county, national, or international prescriptive construction standards, including buildings used as:
  - a. Barns;
  - b. Greenhouses;
  - c. Farm production buildings including aquaculture hatcheries and plant nurseries;
  - d. Storage buildings for farm equipment or plant or animal supplies or feed;
  - e. Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height.

**An exemption under this item cannot be claimed unless the property owner provides a written certification from a professional architect, structural engineer, or responsible managing employee of a licensed general building contractor, licensed in the State of Hawaii. Please submit the attached certification form entitled "Certification of Meeting Item No. 12."**

<p align="center"><b>CERTIFICATION OF MEETING ITEM NO. 12</b> (Agricultural Building/Structure Exemption List - Refer to HRS §46-88)</p>
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**Project Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Tax Map Key:** \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

- I hereby certify that I am:

☐ a professional architect licensed in the State of Hawaii.  
License Number: \_\_\_\_\_

☐ a professional structural engineer licensed in the State of Hawaii.  
License Number: \_\_\_\_\_

☐ a responsible managing employee of a licensed general building contractor in the State of Hawaii.  
License Number: \_\_\_\_\_

- I hereby certify that the above-subject building/structure meets the requirements of Item No. 12, and has been constructed in accordance with applicable county, national, or international prescriptive construction standards.

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Company:** \_\_\_\_\_

**Telephone No.:** \_\_\_\_\_

**§46-88 Agricultural buildings and structures; exemptions from building permit and building code requirements.** (a) Notwithstanding any law to the contrary, the following agricultural buildings, structures, and appurtenances thereto that are not used as dwellings or lodging units are exempt from building permit and building code requirements where they are no more than one thousand square feet in floor area:

- (1) Nonresidential manufactured pre-engineered commercial buildings and structures;
- (2) Single stand alone recycled ocean shipping or cargo containers that are used as nonresidential commercial buildings and are properly anchored;
- (3) Notwithstanding the one thousand square foot floor area restriction, agricultural shade cloth structures, cold frames, or greenhouses not exceeding twenty thousand square feet in area per structure; provided that where multiple structures are erected, the minimum horizontal separation between each shade cloth structure, cold frame, or greenhouse is fifteen feet;
- (4) Aquacultural or aquaponics structures, including above-ground water storage or production tanks, troughs, and raceways with a maximum height of six feet above grade, and in-ground ponds and raceways, and piping systems for aeration, carbon dioxide, or fertilizer or crop protection chemical supplies within agricultural or aquacultural production facilities;
- (5) Livestock watering tanks, water piping and plumbing not connected to a source of potable water, or separated by an air gap from such a source;
- (6) Non-masonry fences not exceeding ten feet in height and masonry fences not exceeding six feet in height;
- (7) One-story masonry or wood-framed buildings or structures with a structural span of less than twenty-five feet and a total square footage of no more than one thousand square feet, including farm buildings used as:
  - (A) Barns;
  - (B) Greenhouses;
  - (C) Farm production buildings including aquaculture hatcheries and plant nurseries;
  - (D) Storage buildings for farm equipment or plant or animal supplies or feed; or
  - (E) Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height;
- (8) Raised beds containing soil, gravel, cinders, or other growing media or substrates with wood, metal, or masonry walls or supports with a maximum height of four feet;
- (9) Horticultural tables or benches no more than four feet in height supporting potted plants or other crops; and
- (10) Nonresidential indigenous Hawaiian hale that do not exceed

five hundred square feet in size, have no kitchen or bathroom, and are used for traditional agricultural activities or education; provided that the buildings, structures, and appurtenances thereto comply with all applicable state and county zoning codes.

(b) Notwithstanding the one thousand square foot floor area restriction in subsection (a), the following buildings, structures, and appurtenances thereto shall be exempt from building permit requirements when compliant with relevant building codes or county, national, or international prescriptive construction standards:

- (1) Nonresidential manufactured pre-engineered and county pre-approved commercial buildings and structures consisting of a total square footage greater than one thousand square feet but no more than eight thousand square feet; and
- (2) One-story wood-framed or masonry buildings or structures with a structural span of less than twenty-five feet and a total square footage greater than one thousand square feet but no more than eight thousand square feet constructed in accordance with county, national, or international prescriptive construction standards, including buildings used as:
  - (A) Barns;
  - (B) Greenhouses;
  - (C) Farm production buildings, including aquaculture hatcheries and plant nurseries;
  - (D) Storage buildings for farm equipment, plant or animal supplies, or feed; or
  - (E) Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height.

(c) The exemptions in subsections (a) and (b) shall apply; provided that:

- (1) The aggregate floor area of the exempted agricultural buildings shall not exceed:
  - (A) Five thousand square feet per zoning lot for lots of two acres or less;
  - (B) Eight thousand square feet per zoning lot for lots greater than two acres but not more than five acres; and
  - (C) Eight thousand square feet plus two per cent of the acreage per zoning lot for lots greater than five acres; provided that each exempted agricultural building is compliant with the square foot area restrictions in subsection (a) or subsection (b);
- (2) The minimum horizontal separation between each agricultural building, structure, or appurtenance thereto is fifteen feet;
- (3) The agricultural buildings, structures, or appurtenances thereto are located on a commercial farm or ranch and are used for general agricultural or aquacultural operations, or for purposes incidental to such operations;

- (4) The agricultural buildings, structures, or appurtenances thereto are constructed or installed on property that is used primarily for agricultural or aquacultural operations, and is two or more contiguous acres in area or one or more contiguous acres in area if located in a nonresidential agricultural or aquacultural park;
  - (5) Upon completion of construction or installation, the owner or occupier shall provide written notice to the appropriate county fire department and county building permitting agency of the size, type, and locations of the building, structure, or appurtenance thereto. Such written notification shall be provided to the county agencies within thirty days of the completion of the building, structure, or appurtenance thereto. Failure to provide such written notice may void the building permit or building code exemption, or both, which voidance for such failure is subject to the sole discretion of the appropriate county building permitting agency;
  - (6) No electrical power and no plumbing systems shall be connected to the building or structure without first obtaining the appropriate county electrical or plumbing permit, and all such installations shall be installed under the supervision of a licensed electrician or plumber, as appropriate, and inspected and approved by an appropriate county or licensed inspector or, if a county building agency is unable to issue an electrical permit because the building or structure is permit-exempt, an electrical permit shall be issued for an electrical connection to a meter on a pole beyond the permit-exempt structure in accordance with the installation, inspection, and approval requirements in this paragraph;
  - (7) Disposal of wastewater from any building or structure constructed or installed pursuant to this section shall comply with chapter 342D; and
  - (8) Permit-exempt structures shall be exempt from any certificate of occupancy requirements.
- (d) As used in this section:

"Agricultural building" means a nonresidential building or structure, built for agricultural or aquacultural purposes, located on a commercial farm or ranch constructed or installed to house farm or ranch implements, agricultural or aquacultural feeds or supplies, livestock, poultry, or other agricultural or aquacultural products, used in or necessary for the operation of the farm or ranch, or for the processing and selling of farm or ranch products.

"Agricultural operation" means the planting, cultivating, harvesting, processing, or storage of crops, including those planted, cultivated, harvested, and processed for food, ornamental, grazing, feed, or forestry purposes, as well as the feeding, breeding, management, and sale of animals including livestock, poultry, honeybees, and their products.



"Appurtenance" means an object or device in, on, or accessory to a building or structure, and which enhances or is essential to the usefulness of the building or structure, including but not limited to work benches, horticultural and floricultural growing benches, aquacultural, aquaponic, and hydroponic tanks, raceways, troughs, growbeds, and filterbeds, when situated within a structure.

"Aquacultural operation" means the propagation, cultivation, farming, harvesting, processing, and storage of aquatic plants and animals in controlled or selected environments for research, commercial, or stocking purposes and includes aquaponics or any growing of plants or animals in or with aquaculture effluents.

"Manufactured pre-engineered commercial building or structure" means a building or structure whose specifications comply with appropriate county codes, and have been pre-approved by a county or building official.

"Nonresidential building or structure" means a building or structure, including an agricultural building, that is used only for agricultural or aquacultural operations and is not intended for use as, or used as, a dwelling.

(e) This section shall not apply to buildings or structures otherwise exempted from building permitting or building code requirements by applicable county ordinance.

(f) This section shall not be construed to supersede public or private lease conditions.

(g) This section shall not apply to the construction or installation of any building or structure on land in an urban district.

(h) The State or any county shall not be liable for claims arising from the construction of agricultural buildings, structures, or appurtenances thereto exempt from the building code and permitting process as described in this section, unless the claim arises out of gross negligence or intentional misconduct by the State or county.

(i) This section shall not apply to buildings or structures used to store pesticides or other hazardous material unless stored in accordance with federal and state law.

(j) Failure to comply with the conditions of this section shall result in penalties consistent with county building department provisions. [L 2012, c 114, §2; am L 2013, c 203, §2]

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